

MEETING NO. 13
June 10, 2004

ERIE COUNTY LEGISLATURE

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MEETING NO. 13
June 10, 2004

The Legislature was called to order by Chairman Holt.

All Members Present except Legislator Swanick.

A moment of silence was held.

The Pledge of Allegiance was led by Mr. Ranzenhofer.

Item 1 – CHAIRMAN HOLT directed that Comm. 7M-5 (2004) remain on the table.

Item 2 – No items for reconsideration from the previous meeting.

Item 3 – MS. MARINELLI moved the approval of the Minutes for Meetings No. 11 & 12 of 2004. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. McCARVILLE presented a resolution Honoring the East Aurora High School Girls Lacrosse Team for Capturing the Section VI Class B Championship Two Years in a Row. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 6 – MS. CHASE presented a resolution Honoring the Hamburg High School Girls Lacrosse Team for Capturing Their First Section VI Class A Championship. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 7 – MR. RANZENHOFER, MINORITY CAUCUS presented a resolution Recognizing the Food Bank of WNY for Their Efforts on National Hunger Awareness Day - 6/3/04. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 8 – MR. RANZENHOFER, MINORITY CAUCUS presented a resolution Honoring the Memory of President Ronald W. Reagan, 40th President of the United States. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. SCHROEDER presented a resolution Welcoming Geico Insurance to the Buffalo Niagara Region. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 10 – MAJORITY CAUCUS presented a resolution Honoring Western New York Hearts for Haiti. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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Item 11 – MS. MARINELLI presented a resolution Honoring Kenmore Girl Scouts. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 12 – MS. MARINELLI presented a resolution Honoring the 4th Annual Susan G. Komen Race for a Cure. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 13 – MR. RANZENHOFER presented a resolution Honoring Dengler & Roberts Funeral Home for Underwriting the "Vietnam Wall Experience". MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 14 – MS. CHASE presented a resolution Joining the North Boston Volunteer Fire Company as They Celebrate Their 100th Anniversary. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 15 – MR. WEINSTEIN presented a resolution Honoring John P. Lane for Being Awarded the Outstanding Jurist Award by the Bar Association of Erie County. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 16 – MR. WEINSTEIN presented a resolution Honoring Joel L. Daniels for Being Named the 2004 Lawyer of the Year by the Bar Association of Erie County. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 17 – DUSZA, WROBLEWSKI, SCHROEDER presented a resolution Recognizing the Recipients of the Cheektowaga Chamber of Commerce's 38th Annual Awards. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 18 – MR. WEINSTEIN presented a resolution
MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the above fourteen (14) resolutions as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 19 – CHAIRMAN HOLT directed that Local Law No. 1 (Print #2) 2003 remain on the table.

GRANTED.

Item 20 – CHAIRMAN HOLT directed that Local Law No. 7 (Print #1) 2003 remain on the table.

GRANTED.

Item 21 – CHAIRMAN HOLT directed that Local Law No. 16 (Print #1) 2003 remain on the table.

GRANTED.

Item 22 – CHAIRMAN HOLT directed that Local Law No. 4 (Print #1) 2004 remain on the table.

GRANTED.

Item 23 – CHAIRMAN HOLT directed that Local Law No. 5 (Print #1) 2004 remain on the table.

GRANTED.

Item 24 – CHAIRMAN HOLT directed that Local Law No. 5 (Print #2) 2004 remain on the table.

GRANTED.

Item 25 – MR. SCHROEDER presented the following Local Law and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE
LOCAL LAW INTRO. NO. 6 -2004
LOCAL LAW NO. _____-2004

A LOCAL LAW in relation to a requirement for Worker Training Programs by contractors and subcontractors under contract with the County of Erie.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. Legislative Intent.

The Erie County Legislature hereby finds, declares and determines that:

A. There has been a long and productive history of partnership between labor and management in the training of workers in New York State.

B. Worker training programs are valuable educational and training tools for the local workforce by reducing reliance on out-of-area labor for construction projects.

C. Worker training programs provide opportunities to residents in this area through training and education for skilled jobs.

D. These skilled jobs create a better opportunity for the tax dollars spent on local construction projects to remain within the local community.

E. It would be valuable to encourage labor and business/industry to participate in worker training programs to meet the increased need for trade persons while providing residents the means to earn a better living and fostering the local and regional economies.

F. It is valuable for local government to encourage broad participation in such worker training programs by the residents of Erie County and to foster the equal opportunity of men and women of all races and backgrounds to participate in order to enhance workforce development and diversification.

G. The costs associated with a requirement that contractors and subcontractors performing construction and related services in contractual agreements with the County of Erie establish worker training programs are yet to be determined, but such costs will likely be mitigated significantly by the resulting increase in the skilled workforce from such a requirement, a circumstance that will ensure that Erie County's local workforce will be able to accommodate the need for well-trained construction workers.

H. This Local Law is a first step in 2004 towards a single, uniform criterion for state registered apprenticeship programs through New York State Department of Labor.

I. It is the belief of the Erie County Legislature that the terms of this Local Law will allow the contractors and subcontractors who do business with Erie County to come into compliance with the criteria of this Local Law and, hopefully in due time with the criteria for state registered apprenticeship programs through New York State Department of Labor.

J. Nothing in this Local Law should be read to abrogate the duty of Erie County with respect to its MBE/WBE requirements.

Section 2. Short Title.

This Local Law shall be known as "The Erie County Workforce Development and Diversification Apprenticeship Training Program."

Section 3. Definitions.

A. "Worker training program" shall mean: a state registered apprenticeship program through New York State Department of Labor that includes the following standards:

(a) An organized, written plan in place that embodies the terms and conditions of employment, and the training and supervision of one or more workers;

(b) A schedule of wages to be paid to the worker consistent with the skills required and approved by the New York State Department of Labor; and

(c) Equal opportunity and affirmative action plans.

(d) Workforce development and diversification rules ensuring that the workforce includes at least twenty-three percent (23%) minority and seven percent (7%) female participation in project personnel including trades people, trainees, journeymen, apprentices, and supervisory staff.

B. "Commissioner" shall mean the Commissioner of the Erie County Department of Public Works.

C. "Construction contract" shall mean any contract to which the County of Erie shall be a signatory which involves the construction, reconstruction, improvement, rehabilitation, installation, alteration, renovation, demolition or otherwise providing for any building, facility, roads, highways, bridges, or physical structure of any kind.

D. "Construction subcontract" shall mean any subcontract between a contractor who has a construction contract with the County of Erie which involves the construction, reconstruction, improvement, rehabilitation, installation, alteration, renovation, demolition or otherwise providing for any building, facility, roads, highways, bridges, or physical structure of any kind.

E. "Contractor" or "subcontractor" shall mean a contractor or subcontractor that directly employs workers under a construction contract or construction subcontract, as defined herein, for which a worker-training program, registered through New York State Department of labor is required.

F. "Construction worker" shall mean an individual directly involved in the construction, reconstruction, improvement, rehabilitation, installation, alteration, renovation, demolition or otherwise providing for any building, facility, roads, highways, bridges, or physical structure of any kind.

Section 4. Requirements and Exceptions.

A. Any contractor, prior to entering into a construction contract, as defined herein, with the County of Erie, or any subcontractor entering into a construction subcontract, as defined herein, with a contractor who has a construction contract, as defined herein, with the County of Erie, is required to have in place a NYS Department of labor apprenticeship training program, as defined herein, either internally to the contractor or subcontractor and/or through an organization servicing several contractors or subcontractors, appropriate for the type and scope of work to be performed.

B. For any construction worker working on a county project into which a construction contract or construction subcontract has been entered in accordance with the provisions Sections 4(A) of this local law, contractors and/or subcontractors must file with the Commissioner, a written certification of completion of a NYS Department of labor approved apprenticeship training program in accordance with this local law.

C. The Commissioner shall file reports on a quarterly basis with the County Executive and the legislature as to the training of workers and certification thereof as required by section 4(B) above.

D. Any contractor with the County of Erie, or any subcontractor entering into a construction subcontract with a contractor who has a construction contract with the County of Erie, is required to ensure that the workforce which it engages to perform work in execution of the contract or subcontract meets the minimal workforce diversification standards as defined in section 3(A) subparagraph d) above, such contractors and/or subcontractors shall provide the Commissioner or designated compliance officer with the following:

(a) A monthly workforce census and such other employment and/or payroll records necessary to verify achievement of the workforce diversity goals and demonstrate compliance with the minimum standards.

(b) Access and cooperation to the project compliance officer to review records on-site and/or at worksite premises to validate workforce participation.

(c) With bid submission, a statement committing to providing apprenticeship training opportunities to workers, as well as details of workforce diversification recruiting program directed at attracting candidates to fill positions to meet such requirements.

Section 5. Rules & Regulations.

The Commissioner of the Erie County Department of Public Works is hereby authorized to promulgate such rules and regulations that are lawful, necessary and appropriate to implement, enforce or otherwise carry out the purposes of this Local Law, provided that the Legislature, by simple majority, has not voted to disapprove such rule or regulation within sixty (60) days from the Commissioner's written notice to the Legislature that such rule or regulation has been promulgated.

Section 6. Equal Employment Opportunity Oversight

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The Director of the Erie County Division of Equal Employment Opportunity shall conduct oversight and review functions over apprenticeship training programs operated in accordance with the provisions of this Local Law to ensure compliance with federal, state and local laws and regulations concerning minority and women participation, and shall report to the Legislature annually concerning such compliance.

Section 7. Review Committee

No later than August 30, 2005, a Review Committee shall be convened, chaired by the current Chair of the Erie County Legislature's Economic Development Committee and vice-chaired by a member of the minority caucus of the Erie County Legislature, to evaluate this Local Law. The Review Committee shall also include two (2) representatives of organized labor, two (2) representatives of non-union labor, one (1) representative of the Erie County Department of Public Works, and one (1) representative of the Minority Owned/Women Owned Business Community as approved by the Erie County Legislature. The Chair of the Erie County Legislature shall also serve as an ex-officio member of the review committee. The Director of the Bureau of Employability Development of the New York State Department of Labor shall serve the Review Committee in an advisory capacity only.

The Review Committee shall meet no fewer than four (4) times in 2005 to educate local contractors and subcontractors about worker training programs under this Local Law and the New York State Department of Labor and to review the Local Law as implemented. The Committee, as part of their charge, must provide the Legislature with its findings and/or recommendations with respect to this Local Law by August 1, 2005.

Section 8. Penalties.

Violation of any provision of this Local Law shall constitute cause, grounds or other legal justification for termination of any contractual agreement with any contractor or subcontractor engaged in a construction contract or construction subcontract with the County, in accordance with County and state laws, rules and regulations governing the termination of such contractual agreements.

Section 9. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 10. Applicability.

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This Local Law shall apply to construction contracts advertised for bids on or after the effective date.

Section 11. Effective Dates.

This Local Law shall take effect March 15, 2005 upon its filing with the Secretary of State, in accordance with Section 27 of the New York State Municipal Home Rule Law.

MARK J. F. SCHROEDER

MR. RANZENHOFER moved to send the Local Law to the ECONOMIC & DEVELOPMENT COMMITTEE. MR. McCARVILLE seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, WEINSTEIN. NOES: DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 6, NOES 8).

FAILED.

MR. SCHROEDER moved the approval of the Local Law. MS. MARINELLI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. NOES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, WEINSTEIN. (AYES 8, NOES 6).

CARRIED.

Item 26 – MS. MARINELLI moved that Local Law No. 6 (Print #2) 2004 be received and filed. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

COMMITTEE REPORTS

Item 27 – MR. SCHROEDER presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 256

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June 1, 2004

ECONOMIC DEVELOPMENT
 COMMITTEE
 REPORT NO. 9

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR SWANICK.

1. RESOLVED, that the following item is hereby received and referred to the FINANCE & MANAGEMENT COMMITTEE.

	Item	Page	-2004	(Comm. 10E-3)
a.	DEBENEDETTI:	Letter to Empire State Development Re: Incentives to Bass Pro Shops.		
	(4-0) Legislator Swanick absent.			

2. RESOLVED, that the following item is hereby received and filed.

	Item	Page	-2004	(Comm. 11E-4)
a.	SCHROEDER:	Copy of Letter to County Attorney Re: Prevailing Wage Enforcement Provisions of County Contracts.		
	(4-0) Legislator Swanick absent.			

2.	Item	Page	-2004	(Comm. 11E-15)
	COUNTY EXECUTIVE			

WHEREAS, the Erie County Legislature approved a contract for the 2003 Culvert Replacement – Group 6 Contract, Project No. CG-06-03, at various locations in the Towns of Hamburg and Orchard Park, between Kandey Company, Incorporated and the County of Erie, in Meeting Number 15, held on September 11, 2003, Communication Number 15E-21, and

WHEREAS, additional work needs to be performed on the project that was not initially anticipated, and

WHEREAS, the cost for the additional work exceeds the contingency amount previously authorized for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the construction contract with Kandey Company, Incorporated be increased by \$30,896.93, to be allocated from the 2003 Culvert Fabrication/AE/Construction Program (SFG 443-380) for a change order for the additional work, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner-Highways, and one copy each to the County Executive, the Commissioner of Public Works, and to the County Comptroller.
 (4-0) Legislator Swanick absent.

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3. Item Page -2004 (Comm. 11E-16)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature approved contracts for the 2003 Culvert Replacements Group 3, Group 4, and Group 15), at various locations in the Towns of Alden, Newstead, Cheektowaga, Lancaster, Marilla, Orchard Park, and Sardinia between Armand Cerrone, Inc. of Niagara Falls, New York (Project No.CG-03-03); UCC Constructors, Inc. of West Seneca, New York (Project No.CG-04-03); and Sicar, Inc. of Elma, New York (Project No.CG-15-03 and the County of Erie, in Meeting Number 15, held on September 11, 2003, Communication Number 15E-21, and

WHEREAS, additional work needs to be performed on the project that was not initially anticipated, and

WHEREAS, the costs for the additional work exceeds the contingency amount previously authorized for these projects.

NOW, THEREFORE, BE IT

RESOLVED, that the construction contracts with the above noted Contractors be increased

as indicated:	CG-03-03	\$ 2,922.07
	CG-04-03	\$ 5,253.07
	CG-15-03	\$87,159.76

to be allocated from the 2003 Bridge Design and Construction Program (SFG 420-352) for change orders for the additional work, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner-Highways, and one copy each to the County Executive, the Commissioner of Public Works, and to the County Comptroller.
 (4-0) Legislator Swanick absent.

4. Item Page -2004 (Comm. 11E-17)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids for the EC Courts Master Plan Implementation Renovation on May 22, 2002, and

WHEREAS, your Honorable Body has previously awarded contracts to the lowest responsible bidders in an amount not to exceed \$42,731,953.00, and

WHEREAS, many design changes and unforeseen conditions related to asbestos buried piping and conduits in walls and floors and structural conditions for 77 West Eagle, 25 Delaware Avenue, and Old County Hall have exhausted our construction contingency fund, and

WHEREAS, due to the many changes and increased scope of this very complicated project, the general contingency which includes:

Owner's Contingency
 Architect/Engineer's Contracts
 Construction Manager's Contracts
 A/E & CM Contingencies
 Miscellaneous Contingency
 Inspection Contingency
 Department of Public Works' Consultants' Service Agreement, and salary costs for the Commissioner's Office, and Commissioning and Testing, need to be fully funded, and

WHEREAS, the skylights and curbing on the roof of Old County Hall were not part of the original scope of work but have deteriorated to the point where they have become a safety concern and need to be replaced, and

WHEREAS, the Unified Court System, Office of Court Administration, has requested changes to the scope of the project, increasing the appropriations for the project in an amount not to exceed \$200,000,

NOW, THEREFORE, BE IT

RESOLVED, that the construction contingency fund be increased by \$4,500,000.00 from \$6,227,195.00 to \$10,727,195.00, with authorization for the Commissioner of Public Works to approve change orders, not to exceed the construction contingency, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that the general contingency which includes –

Owner's Contingency,
 Architect/Engineer's Contracts
 Construction Manager's Contracts
 A/E and CM Contingencies
 Miscellaneous contingencies
 Inspection contingencies
 Department of Public Works' engineers and consultants service agreements, and Commissioning and testing fees be increased by \$800,000 from \$11,027,000.00 to \$11,827,000.00 with authorization for the Commissioner of Public Works to approve change orders, not to exceed the general contingency, and be it further,

RESOLVED, that the project's appropriations be increased in the amount of \$200,000.00 by Office of Courts Administration funds, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments from the following: 2004 Courts Renovations, Project A.00018 for \$5,000,000 and 2003 Roof and Waterproofing, Project A.00070 for \$300,000, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; one copy to the Office of Courts Administration; and one copy to the Office of the County Executive.

(4-0) Legislator Swanick absent.

5 Item Page -2004 (Comm. 11E-18)

COUNTY EXECUTIVE

WHEREAS, The County of Erie desires to participate in the planning and design of the Lancaster Rail Industrial Park project in the Town of Lancaster; and

WHEREAS, The Erie County-owned rail line 1242 currently extends through the Town of Cheektowaga, the Village of Depew, and the Village of Lancaster; and

WHEREAS, The development of the rail corridor to serve new industrial parks is a key part of the effort towards the attraction of new industry to the Buffalo Niagara region; and

WHEREAS, A non-binding Memorandum of Understanding by and among the County of Erie, the Erie County Industrial Development Agency, the Town of Lancaster, the Lancaster Industrial Development Agency, and Casilio Seneca LLC has been prepared,

NOW, THEREFORE, BE IT

RESOLVED, That the non-binding Memorandum of Understanding by and among the County of Erie, the Erie County Industrial Development Agency, the Town of Lancaster, the Lancaster Industrial Development Agency, and Casilio Seneca LLC is approved; and be it further

RESOLVED, That the County Executive is authorized to sign the Memorandum of Understanding; and be it further

RESOLVED, That the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget, Management and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

MEMORANDUM OF UNDERSTANDING

This MEMORANDUM OF UNDERSTANDING (“MOU”) is a non-binding MOU, except as otherwise stated herein, by and between Casilio Seneca LLC, the County of Erie, the Erie County Industrial Development Agency, the Town of Lancaster, and the Lancaster Industrial Development Agency.

Casilio Seneca LLC, the County of Erie, the Erie County Industrial Development Agency, the Town of Lancaster, and the Lancaster Industrial Development Agency may be referred to as “Party” or collectively as “Parties.”

BACKGROUND:

A) Casilio Seneca LLC is a joint venture involving the two real estate development firms of Seneca Development & Management Corp. and the Casilio Companies.

B) Casilio Seneca LLC presently has a large tract of vacant land under option in the Town of Lancaster that it is developing as an industrial park.

C) There presently is a recognized shortage of shovel ready 'greenfield' industrial acreage with rail access.

D) The Town of Lancaster presently owns an abandoned former railroad right-of-way that passes through the proposed industrial park.

E) The Town of Lancaster has agreed to sell the former railroad right-of-way to the Lancaster Industrial Development Agency.

F) The Erie County Industrial Development Agency serves as Erie County's primary economic development arm.

G) Erie County presently owns an active shortline railroad line that runs up to the western boundary of the proposed industrial park.

H) The Parties along with the State of New York (except for the Lancaster Industrial Development Agency) are presently contributing financially toward a major \$150,000 engineering contract for the design and engineering of the proposed park, the preliminary design of which has been agreed upon by the Parties.

I) The Parties wish to work together to bring rail service to the proposed industrial park to enhance the marketability of the site and to provide shovel ready rail serviced industrial sites.

The Parties intend to contribute information and resources in connection with bringing rail service to the proposed industrial park and have therefore reached the following understanding:

1) Each Party will devote such time and resources as it shall in its sole discretion determine appropriate in achieving the objective of bringing rail service to the proposed industrial park.

2) Each Party agrees that it will from time to time disclose to the other Parties developments and information obtained in connection with and useful for the agreed upon objective.

3) The Town of Lancaster will sell the abandoned rail right-of-way that it owns to the Lancaster Industrial Development Agency.

- 4) Casilio Seneca LLC will prepare a survey map and legal description of a 66' wide proposed rail right-of-way that lies within this abandoned rail right-of-way and that will extend from the western boundary of the proposed industrial park at Walter Winter Drive to Cemetery Road on the eastern boundary.
- 5) The Lancaster Industrial Development Agency, in turn, will transfer title of this 66' wide strip to the County of Erie for use as a railroad right-of-way to serve the proposed industrial park.
- 6) The survey map will also identify land at the eastern portion of the proposed industrial park that lies within the abandoned rail right-of-way that will need to be included in the proposed public road right-of-way that will be serving the proposed industrial park.
- 7) Any lands that presently lie within the Town owned abandoned rail right-of-way that are not included in the 66' wide proposed rail right-of-way and that are not required to be part of the aforementioned proposed public road right-of-way and that will not be deeded back to the Town of Lancaster as open space (surplus lands) will be sold to Casilio Seneca LLC at the appraised value and will be incorporated into the proposed industrial park.
- 8) The surplus lands that will be sold to Casilio Seneca LLC comprise approximately 12.51 acres.
- 9) Erie County Industrial Development Agency will use its resources to obtain one or more sources of public funding for the installation of all or a portion of the proposed rail line.
- 10) Casilio Seneca LLC will develop a marketing plan acceptable to the Parties that will market the rail serviced industrial land.
- 11) This MOU is entered into between the Parties in good faith and in contemplation of mutual cooperation between them. Each Party agrees with the others to be just and fair in its dealings with the other Parties and will use all its reasonable endeavors to promote the objectives of this MOU. The Parties agree that the areas for cooperation will be reviewed at regular meetings, the frequency of which is to be mutually agreed upon.
- 12) Each Party will be responsible for its own costs and expenses.
- 13) The Parties are hereby creating this MOU, intending solely to set forth the present understanding of the Parties with regard to selected terms and aspects of their relationship. This MOU is not intended to, and does not, constitute a complete statement of the terms or relationship, or create any legally binding obligations between the Parties, except as expressly provided herein. In addition, this MOU does not impose on any Party a duty or obligation to negotiate towards or conclude any definitive agreement or any other commitment.

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14) Any Party may terminate this Agreement at any time upon (30) days notice to the other Parties, and no Party shall have further liability or obligation to any other Party.

CASILIO SENECA LLC

ERIE COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

By: _____
Dated: _____

By: _____
Dated: _____

LANCASTER INDUSTRIAL
DEVELOPMENT AGENCY

By: _____
Dated: _____

COUNTY OF ERIE

TOWN OF LANCASTER

By: _____
HON. JOEL A. GIAMBRA
County Executive

By: _____
HON. ROBERT H. GIZA
Supervisor

Dated: _____

Dated: _____

APPROVED AS TO CONTENT

APPROVED AS TO FORM

LAURENCE K. RUBIN, Commissioner
Department of Environment
and Planning

FREDERICK A. WOLF
County Attorney

Dated: _____

Dated: _____
Doc. No.: _____

(4-0) Legislator Swanick absent.

MARK J. F. SCHROEDER
CHAIRMAN

MR. SCHROEDER moved to separate item #4 and moved the approval of the balance of the resolution. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

MR. SCHROEDER moved to amend item #4 (Comm. 11E-17). MS. MARINELLI seconded.

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CARRIED UNANIMOUSLY.

- **DELETE** the First **RESOLVE** clause in its entirety and replace with the following:

RESOLVED, that the construction contingency fund be increased by \$4,500,000 from \$6,227,195.00 to \$10,727,195.00 with prior authorization, required from the County Legislature of all change orders, not to exceed the, construction contingency, and be it further

MS. MARINELLI moved the approval of item #4 as amended. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

* See Meeting No. 13, Item 34 for further action on this item.

Item 28 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 257

June 1, 2004

GOVERNMENT AFFAIRS
 COMMITTEE
 REPORT NO. 7

ALL MEMBERS PRESENT. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

ALL ITEMS ARE HEREBY TABLED.

LYNN M. MARINELLI
CHAIRPERSON

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 29 – MR. DUSZA presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 258

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June 3, 2004

ENERGY & ENVIRONMENT
 COMMITTEE
 REPORT NO. 8

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.
 - a. Item Page -2003 (Comm. 18M-2)
ASSEMBLYMAN SMITH: Copy of Letter to ECWA Re: Acquisition of City of Buffalo Water System.
 (5-0)
 - b. Item Page -2004 (Comm. 9E-14)
COUNTY EXECUTIVE: Buffalo/Erie County Parks Consolidation Proposal.
 (5-0)
 - c. Item Page -2004 (Comm. 9E-75)
COUNTY EXECUTIVE: Rental Payments Related to a Non-Drilling Oil & Gas Lease on Erie County Forestry Lands in Town of Sardinia.
 (5-0)
 - d. Item Page -2004 (Comm. 9M-10)
BUFFALO COMMON COUNCIL: Certified Resolution Re: Request to Amend the NYS Public Authorities Law.
 (5-0)
 - e. Item Page -2004 (Comm. 10M-1)
TOWN OF AMHERST: Deer Vehicle Accident Management Plan Update.
 (5-0)
 - f. Item Page -2004 (Comm. 10M-2)
ERIE COUNTY WATER AUTHORITY: Communication to Erie County Comptroller Re: Auto Accident.
 (5-0)
 - g. Item Page -2004 (Comm. 11E-6)
HOLT: Copy of Letter to Minority Leader Re: Appointment to Erie County Water Authority.
 (5-0)
 - h. Item Page -2004 (Comm. 11M-7)
NYS COMPTROLLER: Approval of Application for Permission to Increase Facilities in ECSD No. 5.
 (5-0)

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- i. Item Page -2004 (Comm. 11M-8)
NYS COMPTROLLER: Copy of Application by Town of Aurora for Extension to Water District No. 10.
 (5-0)

2. Item Page -2004 **AS AMENDED**
 (Comm. 9E-53)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for the Erie County Sewer District Number 1, Union Road Pumping Station and Force Main Project, Contract 22PS "A" General/Mechanical, Contract 22PS "C" Plumbing, and Contract 22PS "D" Electrical and Instrumentation on May 4, 2004.

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount Bid</u>
Contract 22 PS "A" General/Mechanical	Donald J. Braasch Construction, Inc. 1661 Lakeview Road Lakeview, New York 14085	\$991,200.00
Contract 22PS "C" Plumbing	MKS Plumbing Corporation 19 Ransier Drive West Seneca, New York 14224	\$ 25,680.00
Contract 22PS "D" Electrical & Instrumentation	O'Connell Electric 830 Phillips Road Victor, New York 14564	\$138,294.00

WHEREAS, the aforementioned lowest responsible bidders have been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Union Road Pump Station and Force Main Project, Contract 22PS - "A" General/Mechanical, Contract 22PS - "C" Plumbing and Contract 22PS - "D" Electrical and Instrumentation be awarded to the lowest responsible bidders as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount Bid</u>
Contract 22 PS "A"	Donald J. Braasch	\$991,200.00

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General/Mechanical	Construction, Inc. 1661 Lakeview Road Lakeview, New York 14085	
Contract 22PS "C" Plumbing	MKS Plumbing Corporation 19 Ransier Drive West Seneca, New York 14224	\$ 25,680.00
Contract 22PS "D" Electrical & Instrumentation	O'Connell Electric 830 Phillips Road Victor, New York 14564	\$138,294.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contracts with the aforementioned lowest responsible bidders subject to approval as to from by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$1,155,174.00 from Sewer Capital, Erie County Sewer District No. 1, Account C. 00032 (430 -694), for Contract 22PS - "A", Contract 22PS - "C", and Contract 22PS - "D"; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra, two (2) certified copies to Charles J. Alessi, P.E., Department of Environment and Planning, one certified copy to John S. Rizzo, Deputy Comptroller, Erie County Comptroller Office and one certified copy to Gregory Dudek, Assistant County Attorney.

(5-0)

3. Item Page -2004 (Comm. 10E-21)

COUNTY EXECUTIVE

WHEREAS, in Communication Number 12E-20 (C), dated July 5, 2001, authorization was received to enter into contracts with two Performance Contracting firms, and

WHEREAS, the Commissioner of Public Works has assigned several of its facilities to each of the contracted firms, and

WHEREAS, the first step in a Performance Contract is to perform a preliminary energy audit, and

WHEREAS, if cost-effective Energy Conservation Measures are found at a facility, and a construction contract is progressed, the charge for the preliminary energy audit is included in the construction contract, and

WHEREAS, if reasonable Energy Conservation Measures are found at a facility, and a construction contract is not progressed by the County, the Performance Contractor then expects and deserves payment for the preliminary energy audit,

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works is authorized to issue a Supplemental Agreement to the County's Performance Contractors to perform preliminary energy audits providing that a clause included in the contract states that no specific payment will be made for this service provided cost-effective Energy Conservation Measures are found at a facility, and a construction contract is progressed, and be it further

RESOLVED, that should the Performance Contractor perform a preliminary energy audit and cost-effective Energy Conservation Measures are found at a facility, and a construction contract is not progressed by the County, the cost of this preliminary energy audit will be paid from the 2003 Energy Conservation Measures Capital Fund 410, Project 405, and be it further

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, and one each to the County Executive, the Director of Budget and Management and the Office of the Comptroller.

(5-0)

4. Item Page -2004 (Comm. 11E-12)

COMPTROLLER

RESOLUTION NO. 259 -2004

BOND RESOLUTION DATED _____, 2004

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$3,000,000 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAYBE NECESSARY, TO FINANCE THE COST OF AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 5; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,000,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT BY ERIE COUNTY SEWER DISTRICT NO. 5 TO SAID COUNTY.

(Introduced) _____, 2004

(Adopted) _____, 2004

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WHEREAS, pursuant to proceedings had and taken in accordance with the provisions of Article 5A of the County Law and more particularly a resolution of this County Legislature dated December 11, 2003, and the order of the State Comptroller dated May 11, 2004, an increase and improvement of facilities for Sewer District No.5 has been approved at a estimated maximum cost of \$3,000,000, and

WHEREAS, it is now desired to provide for the financing of said costs,

NOW THEREFORE BE IT

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting I Chapter 33-a of the Consolidated Laws of the State of New York, as amended (the "Law"), and to the provisions of other laws applicable thereto, \$3,000,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of an increase and improvement of facilities for Erie County Sewer District No. 5, all as more fully described in the report and estimate of cost accepted and adopted by the Board of Managers of said District on October 9, 2003, and filed with the County Legislature pursuant to Section 268 of the County Law. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$3,000,000. The plan of financing includes the issuance of \$3,000,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds and notes, the said principal and interest to be reimbursed to the County by assessment against a benefited area which consists of the entire areas of Erie County Sewer District No. 5.

Section 2. The period of probable usefulness for the specific objects or purposes for which said \$3,000,000 bonds herein authorized to be issued, within the limitations of Section 11.00 a. 4. of the Law, is forty (40) years.

Section 3. Current funds are not required to be provided as a down payment prior to the issuance of the \$3,000,000 bonds authorized herein, or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d. 3. of said Law.

Section 4. The County intends to finance, and the Comptroller of the County hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts I are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.
(5-0)

AS AMENDED

5. Item Page -2004 (Intro. 11-4)

MINORITY CAUCUS, DUSZA, MARINELLI & KUWIK

WHEREAS, as of 2000, there were 343 agricultural districts in existence throughout New York State, which were comprised of approximately 21,758 farms and 8.58 million acres of land, and

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WHEREAS, these districts were all voluntarily formed by agricultural landowners and adopted by county legislative bodies following state certification, and

WHEREAS, agricultural landowners who are part of an agricultural district have the opportunity to receive real property assessments based on the value of their land for agricultural production as well as other beneficial programs and incentives, and

WHEREAS, effective September 17, 2003, New York State Agricultural and Markets Law (AML) § 303-b made it possible for landowners of predominantly viable agricultural land in existing certified agricultural districts to request inclusion during an annual thirty-day period authorized by the county legislature, and

WHEREAS, at this time it is important that the Erie County Legislature work with the Erie County Executive and his Department of Environment and Planning to choose a thirty-day period and approve the necessary legislation to open up the agricultural districts to land owners with predominantly viable agricultural land, and

WHEREAS, once authorization is approved, landowners interested in receiving the benefits of being part of an agricultural district will submit their request to the Erie County Farmland Protection Board, which will review requests and judge whether or not a particular parcel of land consists of at least 51% viable agricultural land, and

WHEREAS, the recommendation of what agricultural land should be included will be forwarded to the Erie County Legislature for final approval after a public hearing is held to hear all residents concerns, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is committed to agricultural districts and the benefits and incentives offered to agricultural landowners within those districts, and be it further

RESOLVED, that this Honorable Body seeks to work with the Erie County Executive and his Department of Environment and Planning to implement the thirty-day inclusion period for landowners with predominantly viable agricultural land, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Erie County Executive Joel A. Giambra and Commissioner of Environment and Planning Laurence K. Rubin.

Fiscal Impact: None
(5-0)

RAYMOND K. DUSZA
CHAIRMAN

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MR. DUSZA moved to separate item # 4 (Comm. 11E-12) and move the approval of the balance of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. DUSZA moved the approval of item # 4. MS. MARINELLI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 14, NOES 0).

CARRIED UNANIMOUSLY.

Item 30 – MR. KUWIK presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 260

June 3, 2004

PUBLIC SAFETY
 COMMITTEE
 REPORT NO. 8

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR SWANICK.

1. RESOLVED, that the following items are hereby received and filed.
 - a. Item Page -2004 (Comm. 11M-11)
NYS COMMISSION OF CORRECTION: Copy of Letter to Sheriff Re: 3 Month Variance Approval for Inmate Housing Needs at Correctional Facility.
 (4-0) Legislator Swanick absent.
 - b. Item Page -2004 (Comm. 11M-12)
NYS COMMISSION OF CORRECTION: Copy of Letter to Sheriff Re: 3 Month Variance Approval for Inmate Housing Needs at Correctional Facility.
 (4-0) Legislator Swanick absent.
 - c. Item Page -2004 (Comm. 11M-13)
NYS COMMISSION OF CORRECTION: Copy of Letter to Sheriff Re: 3 Month Variance Approval for Inmate Housing Needs at Correctional Facility.
 (4-0) Legislator Swanick absent.

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- d. Item Page -2004 (Comm. 11M-14)
NYS COMMISSION OF CORRECTION: Copy of Letter to Sheriff Re: 3 Month
 Variance Approval for Inmate Housing Needs at Holding Center.
 (4-0) Legislator Swanick absent.
- e. Item Page -2004 (Comm. 11M-15)
NYS COMMISSION OF CORRECTION: Copy of Letter to Sheriff Re: 3 Month
 Variance Approval for Inmate Housing Needs at Holding Center.
 (4-0) Legislator Swanick absent.
- f. Item Page -2004 (Comm. 11M-16)
NYS COMMISSION OF CORRECTION: Copy of Letter to Sheriff Re: Denial of Request
 for Variance for Inmate Housing Needs at Holding Center.
 (4-0) Legislator Swanick absent.
2. Item Page -2004 (Comm. 11E-26)
COUNTY EXECUTIVE
 WHEREAS, alerting and other protective and miscellaneous equipment is being issued to the
 County of Erie, and

WHEREAS, the alerting and other protective and miscellaneous equipment will be utilized
 by the Erie County Department of Emergency Services and many first response police and fire
 service personnel, and

WHEREAS, the alerting and other protective and miscellaneous equipment will be utilized
 to address Weapons of Mass Destruction (WMD) and other incidents.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Department of
 Emergency Services, is hereby authorized to accept the purchased equipment with a value of
 approximately \$1,200,000.00, and be it further

RESOLVED, that this equipment will be accepted at no cost to the County of Erie from the
 Federal Government through the New York State Weapons of Mass Destruction (WMD) Task
 Force, and be it further

RESOLVED, that the County of Erie will take possession of this equipment for the Erie
 County Department of Emergency Services and the police and fire first responders, and be it further

RESOLVED, that the Department of Emergency Services will issue the personal protective
 equipment that is earmarked for the protection of first response police and fire personnel against
 WMD and other incidents, and be it further

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RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the County Executive's Office, Homeland Security Grants Administrator Mara Lansing, the Office of the Comptroller, the Department of Law and the Department of Emergency Services.

(4-0) Legislator Swanick absent.

EDWARD J. KUWIK
CHAIRMAN

MR. KUWIK moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 31 – MR. WROBLEWSKI presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 261

June 3, 2004

COMMUNITY ENRICHMENT
 COMMITTEE
 REPORT NO. 5

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR McCARVILLE.

1. RESOLVED, that the following items are hereby received and filed.

- | | | | | |
|----|--|------|-------|---------------|
| | Item | Page | -2004 | (Comm. 8D-2) |
| a. | DEP: Letter to Chairman Holt Agreeing to Provide Bi-Monthly Updates on Study of Regional Collaboration to Improve Educational Services. | | | |
| | (4-0) Legislator McCarville absent. | | | |
| | Item | Page | -2004 | (Comm. 8M-19) |
| b. | TOWN OF AMHERST: Certified Resolution in Support of ECC Study Evaluating Feasibility of Development of North Athletic Field as Multi-Constituent Outdoor Field. | | | |
| | (4-0) Legislator McCarville absent. | | | |
| | Item | Page | -2004 | (Intro. 8-14) |
| c. | CUSACK & McCARVILLE ET AL AS AMENDED: Support for ECC's Accreditation. | | | |
| | (4-0) Legislator McCarville absent. | | | |
| | Item | Page | -2004 | (Intro. 8-17) |
| d. | CUSACK, MINORITY CAUCUS: Support for the Independence of the ECC Board of Trustees. | | | |

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(4-0) Legislator McCarville absent.

- e. Item Page -2004 (Comm. 9E-24)
COMPTROLLER: Audited Financial Statements & Management Letter for ECC Fiscal Year Ended 8/31/03.
 (4-0) Legislator McCarville absent.

- f. Item Page -2004 (Comm. 10D-7)
ECC: Report from Special Trustees Meeting Held 5/5/04.
 (4-0) Legislator McCarville absent.

TIMOTHY M. WROBLEWSKI
CHAIRMAN

MR. WROBLEWSKI moved the approval of the resolution. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

Item 32 – MR. SMITH presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 262

June 3, 2004

HUMAN SERVICES
 COMMITTEE
 REPORT NO. 7

ALL LEGISLATORS PRESENT, EXCEPT LEGISLATOR CUSACK.

1. RESOLVED, that the following items are hereby received and filed.
- a. Item Page -2004 (Comm. 7M-16)
COUNTY NURSING FACILITIES OF NY: Request for Support of S.5854/A.10124 Re: State Reimbursement for Services in Nursing Homes.
 (4-0) Legislator Cusack absent.
- b. Item Page -2004 (Comm. 8D-9)
COUNTY ATTORNEY: Legal Opinion on Smoking Waiver Application Fees.
 (4-0) Legislator Cusack absent.
- c. Item Page -2004 (Comm. 9E-9)
SWANICK & McCARVILLE: Letter to County Attorney & Health Commissioner Re: Court Decision Regarding Jimmy Mac's Restaurant.

(4-0) Legislator Cusack absent.

- d. Item Page -2004 (Comm. 9E-41)
COUNTY EXECUTIVE: Health – Establishment of Fee-for-Service Rate - Reader.
 (4-0) Legislator Cusack absent.

- e. Item Page -2004 (Comm. 11M-10)
ALCOHOL & DRUG DEPENDENCY SERVICES: 2003 Annual Report.
 (4-0) Legislator Cusack absent.

2. Item Page -2004 (Comm. 11E-13)
COUNTY EXECUTIVE
 WHEREAS, the 2003 Capital Budget approved \$200,000 for the above mentioned project,
 and

WHEREAS, additional funding is required to complete the project, and

WHEREAS, the Erie County Medical Center has allocated \$200,000 of additional funding,

NOW, THEREFORE, BE IT

RESOLVED, that the sum of \$200,000 be transferred from the Erie County Medical Center increasing the appropriations in the amount of \$200,000 in Project 437, Fund 511, and , be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to the Office of the County Executive.
 (4-0) Legislator Cusack absent.

3. Item Page -2004 (Comm. 11E-20)
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services has undertaken a series of initiatives aimed at Medicaid cost containment, and one of the efforts will identify those clients for whom the cost of service related to a specific diagnosis reveals a pattern of repeated high cost emergency room and inpatient billings, and

WHEREAS, the Department is to explore alternatives for case management of these individuals to provide a more appropriate, less expensive and more successful care and treatment program, and

WHEREAS, New York State pays medical providers through the Medicaid Management Information System (MMIS), and the payment data related to specific clients and treatments is contained in a very large state database referred to as the data warehouse, and

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WHEREAS, the expertise and experience needed to extract client specific payment and treatment information from the database is not currently available in the Department, and

WHEREAS, there is no fiscal impact to the 2004 Adopted Budget as funds for this purpose were included in the Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and/or the County Executive are authorized to enter into an agreement with John Rodat in an amount not to exceed \$9,500, and be it further

RESOLVED, that because these special services are in an amount less than \$10,000 the requirement in Section 19.08 for a Request for Proposals (RECEIVED, FILED & PRINTED.) is not applicable, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.
 (4-0) Legislator Cusack absent.

4. Item Page -2004 (Comm. 11E-29)
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services is requesting authorization to amend the 2004 Adopted Budget by restoring funding to that amount provided in 2003 to the Olmsted Center for the Visually Impaired, and

WHEREAS, it is necessary to increase this budget amount to prevent severe impact to sight impaired individuals who would otherwise not have access to assistance from another service provider, and

WHEREAS, significant reductions in the levels of funding awarded to counties by New York State have made the planning and budgeting process considerably more complex, and a proposed cut of funding for the Olmsted Center was inadvertently included in the 2004 budget recommendation originally made to the Erie County Legislature, and

WHEREAS, a recent increase in State funding enables the Department to charge this contract increase to 100% Federal Title XX funds, and

WHEREAS, there is no fiscal impact to the 2004 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2004 Adopted Budget:

Department of Social Services, Department 120

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
516010	Center for the Visually Impaired	<u>\$20,000</u>
	Total Appropriations	<u>\$20,000</u>
411610	Federal Aid – Services for Recipients	<u>\$20,000</u>
	Total Revenue	<u>\$20,000</u>

and be it further

RESOLVED, that because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RECEIVED, FILED & PRINTED.) is hereby waived, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.
 (4-0) Legislator Cusack absent.

5. Item Page -2004 (Intro. 11-20)
SMITH

WHEREAS, the New York State Court of Appeals in Campaign for Fiscal Equity vs. State (CFE decision) established a statewide standard providing that all children are entitled under the state constitution to an opportunity for a “meaningful high school education,” thus mandating increased resources for all public school children attending school from pre-kindergarten through the 12th grade, and

WHEREAS, the court mandated that the state determine the actual cost of a meaningful high school education in New York City, and that such “costing-out and other mandates of the decision” be fulfilled by July 30, 2004, and

WHEREAS, statewide school funding reform would be that only fair and just response to the CFE decision, given that: 1) many other school districts in the state have similar problems of inadequate resources that led the Court of Appeals to find a constitutional violation in regards to New York City and given that 2) it would be impractical to design a statutory remedy that only applies to New York City, and

WHEREAS, it would be unconscionable for the state to wait another year before addressing the issues highlighted in the CFE decision and to fail to direct resources where the most urgent needs exist.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature strongly supports the enactment of legislation before July 30, 2004 consistent with the "Criteria for a New Funding System" drafted by the Alliance for Quality Education and the Campaign for Fiscal Equity, which advocates that the new school funding system meet the following criteria: 1) Adequate funding for every school in the state, 2) accountability, 3) Sustained, stable, and predictable funding, 4) A simple and transparent system, and 5) An increased state share of education spending, and be it further

RESOLVED, that this Honorable Body supports the inclusion of \$2 billion as a "down payment" on implementation of the CFE decision providing for new and additional funding for school in the 2004-5 state fiscal year to address the most urgent priorities of school and in order to begin a multi-year process of fulfilling the mandates of the Court of Appeals decision in Campaign for Fiscal Equity vs. State, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Alliance of Quality Education, 739 Main Street, Buffalo, New York 14203.

Fiscal Impact: Not known at this time.

(4-0) Legislator Cusack absent.

DEMONE A. SMITH
CHAIRMAN

MR. SMITH moved to separate item #5 (Intro. 11-20) and moved the approval of the balance of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. SMITH moved to amend item #5. MR. DUSZA seconded.

CARRIED. Legislators Chase, Cusack, Marshall, McCarville & Ranzenhofer in the negative.

- **ADD** the following as **CO-SPONSORS**:

HOLT, MARINELLI, KUWIK, DUSZA, SCHROEDER, DEBENEDETTI and WROBLEWSKI

DELETE the third (3rd) **RESOLVE** Clause in its entirety and **REPLACE** with the following:

RESOLVED, that certified copies of this resolution be transmitted to the Governor, the local delegation of the New York State Legislature, the Speaker of the New York State Assembly, the Majority Leader of the New York State Senate, and the Alliance of Quality Education (739 Main Street, Buffalo, NY 14203).

MR. SMITH moved the approval of item #5 as amended. MR. DUSZA seconded.

CARRIED. Legislators Chase, Cusack, Marshall, McCarville & Ranzenhofer in the negative.

Item 33 – MR. DEBENEDETTI presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 263

June 3, 2004

FINANCE & MANAGEMENT
 COMMITTEE
 REPORT NO. 9

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.

- | | | | | |
|----|---|---|-------|----------------|
| | Item | Page | -2004 | (Comm. 9D-8) |
| a. | COUNTY ATTORNEY: | Letter to Legislator DeBenedetti in Response to Request for Opinion Re: Social Services Commissioner Position.
(5-0) | | |
| | Item | Page | -2004 | (Comm. 9E-5) |
| b. | HOLT: | Copy of Letter to Legislators Requesting Support to Override County Executive's Veto of Local Law Intro. 8-2003.
(5-0) | | |
| | Item | Page | -2004 | (Comm. 9M-25) |
| c. | EC BAR ASSOCIATION AID TO INDIGENT PRISONERS SOCIETY ASSIGNED COUNSEL: | Report of Assigned Counsel Program – 1 st Quarter 2004.
(5-0) | | |
| | Item | Page | -2004 | (Comm. 11E-8) |
| d. | COMPTROLLER: | Quarterly Investment Report 1/1/04 – 3/31/04.
(5-0) | | |
| 2. | Item | Page | -2004 | (Comm. 11E-19) |

COUNTY EXECUTIVE
 WHEREAS, the Erie County Department of Environment and Planning has provided oversight and guidance in the last few years regarding the development of a program to promote Erie County's abundant and high quality sport fishing resources, with the intent to increase awareness and to maximize the recreational opportunities and tourism potential associated with developing the sport fishing business in Erie County and this region; and

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WHEREAS, because sport fishing can and should be a significant component in enhancing the business of recreational tourism in this County and region, there is a need to increase awareness and appreciation for sport fishing opportunities in Erie County for our residents, and to increase visits to our County and region by individuals who want to participate in sport fishing activities; and

WHEREAS, the Buffalo Niagara Convention and Visitors Bureau (BNCVB) has agreed to develop this 2004 sport fishery promotion program in cooperation with Erie County because this sport fishery program is supportive and consistent with the BNCVB's mission to promote our many high quality tourism resources in Erie County and the Buffalo Niagara Region; and

WHEREAS, as a result of the Buffalo Niagara Convention and Visitors Bureau's successful efforts to promote the use of our many quality sports facilities for amateur athletic events, Buffalo and Erie County will host several significant athletic events and activities throughout the next several months that are expected to generate economic impacts exceeding three million dollars; and

WHEREAS, these amateur athletic events and activities include: the 2004 Nissan Buffalo Marathon (May 2004), All Pro Hoops Camp (July 2004) sponsored by Group Ministries, Inc., Girls Under 18 Class B East National Tournament sponsored by the Amateur Softball Association (August 2004), STAR Swimming's 2004 swim competitions, and East Sectional Team Synchronized Skating Champs event sponsored by the United States Figure Skating Association (January 2005).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreement with the Buffalo Niagara Convention and Visitors Bureau, in order to provide funds in the amount of \$186,000 for the above-referenced 2004 Sports Fishery Promotion Program and amateur athletic events and activities; and be it further

RESOLVED, that the source of funds for this agreement will include funds in the amount of \$50,000 that were designated in the 2004 Erie County Budget for the Sports Fishery Promotion Program in Cost Center 1620020, Environmental Compliance; as well as funds in the amount of \$136,000 that were re-appropriated in the Regionalism/Economic Development Funding in Cost Center 1335010, Arts/Culture/Tourism, to be further designated as follows:

Buffalo Niagara Convention and Visitors Bureau	
Sports Fishery Promotion Program	- \$116,500
Nissan Buffalo Marathon	- \$5,000
Amateur Softball Association	- \$10,000
STAR Swimming	- \$4,500
United State Figure Skating Association	- \$25,000
Group Ministries, Inc. (All Pro Hoops Camp)	- \$25,000

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the County Comptroller; the Director of the Division of Budget, Management, and Finance; the Commissioner of the Department of Environment and Planning; and Richard Geiger, President/CEO of the Buffalo Niagara Convention and Visitors Bureau, 617 Main Street, Suite 200, Buffalo, New York 14203.

(5-0)

ALBERT DEBENEDETTI
CHAIRMAN

MR. DEBENEDETTI moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 34 – MR. RANZENHOFER moved to reconsider item #4 (Comm. 11E-17) from the ECONOMIC DEVELOPMENT COMMITTEE report. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

MR. RANZENHOFER moved to refer item #4 (Comm. 11E-17) back to the ECONOMIC DEVELOPMENT COMMITTEE (Report No. 9). MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

Item 35 – CHAIRMAN HOLT directed that the following resolution be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Intro. 13-1 From LEGISLATOR MARINELLI Re: Support for the Cultural Development Areas Program.

Item 36 – CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro. 13-2 From LEGISLATORS DEBENEDETTI & WEINSTEIN Re: Accountability in Government – Requiring County Vehicles to Possess "Official" License Plates & Seals.

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Item 37 – CHAIRMAN HOLT directed that the following resolution be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Intro. 13-3 From LEGISLATORS WEINSTEIN & DEBENEDETTI Re: ECC Facilities Master Plan Support for Students.

Item 38 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 264

Re: Support for State Reimbursement of Medicaid Costs for Counties that Operate Long Term Care Facilities.
 (Intro. 13-4)

A RESOLUTION SUBMITTED BY
 LEGISLATOR SMITH

WHEREAS, Erie County has maintained a county owned and operated nursing home and infirmary, and that facility, with 638 beds, is the fourth largest nursing home in New York State and the largest outside of New York City, and

WHEREAS, the vast majority of residents and patients in that facility are on Medicaid, and

WHEREAS, the local, or county costs of Medicaid have long been a financial problem for Erie County and other counties across the state, with this county government facing projected \$180 million in Medicaid costs in 2004, and

WHEREAS, those local share costs have been especially exacerbated for those counties that sponsor, own or operate public nursing homes or nursing facilities that provide long term care, with those facilities receiving less state reimbursement for Medicaid, and

WHEREAS, in early 2004, Assemblywoman Francine DelMonte and Senator George Maziarz introduced companion legislation in the State Assembly (A10124) and State Senate (S5854) to “amend the social services law in relation to state reimbursement for care, treatment, maintenance and nursing services in nursing homes,” and

WHEREAS, the purpose of such legislation is to “make the state’s Medicaid financing system more equitable for those counties that operate nursing facilities,” and

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WHEREAS, the legislation would assist Erie County, which operates a non-state public nursing facility that has had operational losses in the past 12 months, to receive greater state reimbursement of eligible long term nursing care services, and thus, ensuring that “local taxpayers are not required to pay a ‘double tax’ to support appropriate long term care services” in this county, and

WHEREAS, the County Nursing Facilities of New York, an affiliate of the New York State Association of Counties, and the organization that represents the interests of public (county) nursing homes in state government, supports this legislation and urges its passage into law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its continued support for the Erie County Home and Infirmary and reaffirms the County government’s commitment to that institution and to its residents and patients, and be it further

RESOLVED, that the Erie County Legislature expresses its support for A10124 and S5854 and urges the New York State Legislature and Governor to expeditiously approve said legislation and sign it into law and provide Medicaid relief to the taxpayers of Erie County, and be it further

RESOLVED, that certified copies of this resolution be transmitted to Governor Pataki, the Western New York delegation of the New York State Legislature, Assembly Speaker Sheldon Silver, Senate President Joseph Bruno, Richard Maloney of the County Nursing Facilities of New York (c/o NYSAC, 111 Pine Street, Albany, NY 12207), and Charles Komurek of the Erie County Home and Infirmary.

Fiscal Impact: Positive for Erie County.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. RANZENHOFER moved the approval of the resolution as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 39 – CHAIRMAN HOLT directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 13-5 From LEGISLATORS DEBENEDETTI & WEINSTEIN Re: Position Inventory & Vacancy Reports.

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Item 40 – CHAIRMAN HOLT directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Intro. 13-6 From LEGISLATOR SCHROEDER Re: Support for Creation of the Niagara Frontier Greenway Commission.

Item 41 – CHAIRMAN HOLT directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Intro. 13-7 From LEGISLATORS CHASE & SWANICK Re: Peace Officer Status for Qualified Personnel in Erie County Emergency Services Department Related to Strategic National Stockpile (SNS).

Item 42 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 265

Re: Consideration for Public Benefit
Funding. (Intro. 13-8)

A RESOLUTION SUBMITTED BY
LEGISLATOR WROBLEWSKI

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Queen of Heaven School	\$ 4,000	WROBLEWSKI

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Southline Athletic Association Inc.	\$ 3,000	WROBLEWSKI
TOTAL	\$ 7,000	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator of the Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek and Melissa O. Heimerl.

Fiscal Impact: None.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 43 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 266

Re: Transfer of Public Benefit Funds.
(Intro. 13-9)

A RESOLUTION SUBMITTED BY LEGISLATORS DUSZA, HOLT, KUWIK,
RANZENHOFER, AND SWANICK

WHEREAS, the Legislature set aside funds in the 2004 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, the organizations cited in this resolution have successfully met the standards and qualifications to receive public benefit funds from the County of Erie and have completed the application process with a contract approved by the County Attorney, and

WHEREAS, the Legislature must now pass a resolution to effect the transfer of funds,

NOW, THEREFORE, BE IT,

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RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$178,800 from the 2004 Legislature- Contractual Fund Cost Center 1341010 to set up funds reservations for the following groups:

<u>NAME</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
Town of Lancaster (Youth Center)	\$1,500	DUSZA
Group Ministries, Inc.	\$150,000	HOLT
Blasdell Volunteer Fire Company, Inc.	\$2,000	KUWIK
Clarence Concert Association	\$5,000	RANZENHOFER
City of Tonawanda Community Development Office	\$12,300	SWANICK
Tonawanda Post #264 American Legion	\$8,000	SWANICK
TOTAL	\$178,800	

And be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Crystal L. Quick- Public Benefit Administrator; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Appropriation of 2004 budgeted funds

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 44 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 267

Re: Consideration for Public Benefit
Funding. (Intro. 13-10)

A RESOLUTION SUBMITTED BY
LEGISLATOR DEBENEDETTI

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WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

WHEREAS, on May 27, 2004, the Erie County Legislature approved Intro.11-10, as amended, designating the West Side Little League Football to receive an application for Public Benefit Funding, and,

NOW, THEREFORE, BE IT

RESOLVED, the designation for the West Side Little League Football per Intro.11-10 (2004) be reallocated to a new and proper designation per the passage of this resolution, and be it further

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organization:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
West Side Little League Football	\$5,000	DEBENEDETTI
TOTAL	\$5,000	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator of the Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek and Melissa O. Heimerl.

Fiscal Impact: None.

MS. MARINELLI moved the approval of the resolution. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

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Item 45 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 268

Re: Support for Summer Youth
 Employment Program. (Intro. 13-11)

A RESOLUTION SUBMITTED BY
 LEGISLATOR SMITH

WHEREAS, the Summer Youth Employment Program provides jobs to young people in every Town, City, and Village in Erie County and has afforded young people an opportunity to obtain essential workplace skills that help become the foundation for a lifetime of productive work, and

WHEREAS, without a restoration of these funds, Erie County's young people will be deprived of the opportunity to earn an income that helps many of them purchase school supplies and other necessities, and learn the critical skills they will need to enter the workplace, and

WHEREAS, the Summer Youth Employment Program is also instrumental in providing community-based organizations and municipal governments with temporary summer staff that assist with an array of services such as daycare, classroom assistance, food service, clerical support, park and pool maintenance, recreational activities, custodial and buildings/ grounds maintenance, and

WHEREAS, the Governor's Budget for TANF (Temporary Assistance for Needy Families) decreases funding for the statewide Summer Youth Employment Program by ten million dollars, or 40% less than the 2003-2004 level,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature affirms its support for the Summer Youth Employment Program, and be it further

RESOLVED, that this Honorable Body expresses its opinion that this program is invaluable, and urges the State Legislature to restore full funding for the Summer Youth Employment Program, and it be further

RESOLVED, that certified copies of this resolution be transmitted to Governor George E. Pataki, the local delegation of the New York State Legislature, and Jeffery A. Nixon, Director (77 Goodell Street, Buffalo, New York 14203).

Fiscal Impact: None.

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MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 46 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 269

Re: Consideration for Public Benefit
 Funding. (Intro. 13-12)

A RESOLUTION SUBMITTED BY
 LEGISLATOR McCARVILLE

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Landmark Society of the Niagara Frontier	\$3,000	McCARVILLE

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

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RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators of the Erie County Legislature Laurie A. Manzella and Crystal L. Quick; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 47 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 270

Re: Consideration for Public Benefit
Funding. (Intro. 13-13)

A RESOLUTION SUBMITTED BY
LEGISLATOR SWANICK

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSORS
Ken-Ton Union Free Schools	\$2,600	SWANICK
City of Tonawanda	\$2,790	SWANICK
TOTAL	\$5,390	

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And be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$1,000 from (DAC 1109223108050109) Cost Center 1401010, General Ledger Account 502100 to the Erie County Department of Public Works, Cost Center 1232021, General Ledger Account 506400, MAT 550, and be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Department of Public Works Commissioner Maria Lehman & Deputy Commissioner Gerald Sentz; Public Administrator of the Erie County Legislature; Laurie A. Manzella, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 48 – MR. DEBENEDETTI moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Comm. 11E-28 (2004). MR. WEINSTEIN seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: DEBENEDETTI. NOES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, WEINSTEIN, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 1, NOES 13).

FAILED.

Item 49 – MR. RANZENHOFER moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Comm. 11E-14 (2004). MR. McCARVILLE seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

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AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER & WEINSTEIN. NOES: DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 6, NOES 8).

FAILED.

Item 50 – MR. RANZENHOFER moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Comm. 11E-27 (2004). MR. McCARVILLE seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER & WEINSTEIN. NOES: DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 6, NOES 8).

FAILED.

SUSPENSION OF THE RULES

Item 51 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

RESOLUTION NO. 271

Re: CPS – Law Enforcement Terrorism
Prevention Program (LETPP) Grant.
(Comm. 13E-43)

WHEREAS, the New York State Weapons of Mass Destruction (WMD) Task Force has agreed to provide funding in the amount of \$600,000 in federal assistance to implement a program to enhance the ability of Erie County to detect, deter, disrupt, and prevent acts of terrorism, and

WHEREAS, the Law Enforcement Terrorism Prevention Program (LETPP) grant will fund the cost of the implementation of a program to enhance the ability of Erie County to detect, deter, disrupt, and prevent acts of terrorism.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of Department of Central Police Services, is authorized to enter into the necessary agreements with the New York State WMD Task Force to accept grant funding in the amount of \$600,000 in Federal resources to implement a program to enhance the ability of Erie County to detect, deter, disrupt, and prevent acts of terrorism, to be budgeted in the grant fund as follows:

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Erie County Sheriff's Office

Response Exercise	\$40,000
Wire Room	\$90,000

Central Police Services

Mobile AirCards	\$200,000
Model City	\$20,000
CBNRE Response Vehicles	\$250,000
TOTAL	\$600,000

and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to establish and adjust budgets as required to comply with Federal and State approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget, Management and Finance, the Commissioner of Central Police Services, the Erie County Homeland Security Grants Administrator, the County Comptroller, and the County Attorney.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 52 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Comm. 13D-16 From Parks Re: Intermunicipal Cooperation Agreement for Operation, Management & Improvement of City of Buffalo Parklands – Draft dated 5/28/04.

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Item 53 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Comm. 13D-17 From Department of Environment & Planning Re: Fact Sheet Re: City-County Intermunicipal Cooperation Agreement for Operation, Management & Improvement of City Parks.

Item 54 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Comm. 13M-13 From the BUFFALO OLMSTED PARKS CONSERVANCY Re: Letter to Legislator Marinelli Re: Governance.

Item 55 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Comm. 13E-44 From LEGISLATOR SMITH Re: Letter to Commissioner Helfer Re: Proposed Intermunicipal Agreement for Buffalo Parks Maintenance & Operation.

Item 56 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

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Comm. 13E-45 From LEGISLATOR HOLT Re: Letter to Erie County Legislator Clerk re: Special Committee on County Policies and Procedures Regarding Purchasing.

RECEIVED, FILED & PRINTED.

June 10, 2004

Kevin M. Kelley
 Clerk, Erie County Legislature
 25 Delaware Ave., 7th Floor
 Buffalo, NY 14202

RE: Special Committee on County Policies and Procedures
 Regarding Purchasing

Dear Mr. Kelley:

Please be advised that under Section 3.02 of the Erie County Legislature Rules of Order for 2004, I hereby create the Special Committee on County Policies and Procedures Regarding Purchasing, and do appoint the following members:

George A. Holt, Jr. – Chair of the Special Committee	
Lynn M. Marinelli	Michael H. Ranzenhofer
Albert De Benedetti	Charles M. Swanick
Timothy M. Wroblewski	Jeanne Z. Chase

If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

George A. Holt, Jr.
 Chairman

Item 57 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

MEETING NO. 13
June 10, 2004

ERIE COUNTY LEGISLATURE

Intro. 13-14 From LEGISLATOR MARINELLI Re: Inter-Municipal Cooperation Agreement for the Management & Operation of the City of Buffalo's Parks System and Agreement with the Buffalo Olmsted Conservancy.

Item 58 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

CHAIRMAN HOLT directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Intro. 13-15 From LEGISLATOR DUSZA Re: National Fuel Gas Investigation.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE DISTRICT ATTORNEY

Item 59 – (Comm. 13E-1) Letter Opposing Cuts in Buffalo Fire Investigation Unit.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMPTROLLER

Item 60 – (Comm. 13E-2) Apportionment & Distribution of 4% Sales Tax for 5/04.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR SMITH

Item 61 – (Comm. 13E-3) Letter to Commissioner of Social Services Re: Coordinating Council on Children & Families.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM LEGISLATOR SWANICK

Item 62 – (Comm. 13E-4) Notice of Absence from Session on 6/10/04.

RECEIVED, FILED & PRINTED.

MEETING NO. 13
June 10, 2004

ERIE COUNTY LEGISLATURE

June 2, 2004

Hon. Kevin M. Kelley
Clerk, Erie County Legislature
25 Delaware Avenue
Buffalo, NY 14202

Re: Absence from Session on June 10, 2004.

Dear Mr. Kelley:

Pursuant to Section 2.05 of the Erie County Legislature's 2004 Rules of Order, this will serve as notification of my absence from the session of the Erie County Legislature on June 10, 2004 due to military obligations. A copy of my orders is attached for your reference.

If you have any questions, please contact Republican Chief of Staff Harry Wahl or my district office. Thank you.

Very truly yours,

Charles M. Swanick
Erie County Legislator
10th District

FROM THE COUNTY EXECUTIVE

Item 63 – (Comm. 13E-5) Appointment to Buffalo Niagara CVB Board of Directors.

RECEIVED, FILED & PRINTED.

June 1, 2004

Mr. Richard Geiger
Buffalo Niagara Convention & Visitors Bureau
617 Main Street, Suite 400
Buffalo, New York 14203

Re: Appointment to the Buffalo Niagara Convention & Visitors Bureau Board of Directors

Dear Mr. Geiger:

I am hereby appointing Jennifer J. Parker to the Board of Directors of the Buffalo Niagara Convention & Visitors Bureau. Her term will expire December 31, 2004.

For your information, Ms. Parker may be contacted at:

MEETING NO. 13
June 10, 2004

ERIE COUNTY LEGISLATURE

PO Box 234
 Buffalo, New York 14209

Very truly yours,

JOEL A. GIAMBRA.
 ERIE COUNTY EXECUTIVE

JAG/jda

cc: Appointee
 Erie County Legislature

Item 64 – (Comm. 13E-6) Reappointment to Buffalo Niagara CVB Board of Directors.

RECEIVED, FILED & PRINTED.

June 1, 2004

Mr. Richard Geiger
 Buffalo Niagara Convention & Visitors Bureau
 617 Main Street, Suite 400
 Buffalo, New York 14203

Re: Reappointment to the Buffalo Niagara Convention & Visitors Bureau Board of Directors

Dear Mr. Geiger:

I am hereby reappointing Keith M. Belanger to the Board of Directors of the Buffalo Niagara Convention & Visitors Bureau. His term will expire December 31, 2004.

Very truly yours,

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

JAG/jda

cc: Appointee
 Erie County Legislature

FROM LEGISLATOR DEBENEDETTI

Item 65 – (Comm. 13E-7) Copy of Letter to Budget Director Re: ECMCC 2003 Deficit.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 66 – (Comm. 13E-8) Response to Intro. 10-16 – Fiscal Stability in the County Budget.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE SHERIFF

Item 67 – (Comm. 13E-9) Copy of Letter to County Executive & Comptroller Re: NYS Commission of Correction 5/18/04 Meeting on EC Jail Inmate Housing & Staffing Needs.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR SWANICK

Item 68 – (Comm. 13E-10) Opposition to Local Law Intro. 6-2.

Received and filed.

FROM LEGISLATOR CHASE

Item 69 – (Comm. 13E-11) Copy of Letter to Legislator Schroeder Re: "Come-to-America" Initiative.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY CLERK

Item 70 – (Comm. 13E-12) Report of Receipts & Disbursements of Mortgage Tax Collected 10/1/03 - 4/30/04.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 71 – (Comm. 13E-13) DEP & Community Development Block Grant Personnel Changes.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 72 – (Comm. 13E-14) Health -Public Health Campaign Grant 4/1/04 - 3/31/05 & TB Elimination Activities Grant 2/1/04 - 1/31/05.

Received and referred to the HUMAN SERVICES COMMITTEE.

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ERIE COUNTY LEGISLATURE

Item 73 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 272

Re: CPS -NYS Emergency Management
 Office - Community Emergency
 Response Team Grant Program.
 (Comm. 13E-15)

WHEREAS, the New York State Emergency Management Office [hereinafter “SEMO”] has made a \$90,000 grant award to Erie County’s Department of Central Police Services [hereinafter “CPS”] for the Community Emergency Response Team [hereinafter “CERT”] program under which local citizen volunteers are provided with non-credit education and training courses in basic disaster survival and rescue skills, and

WHEREAS, as a pre-condition to the payment of grant funds, SEMO requires that CERT grantees enter into a grant award agreement detailing how such non-credit education and training courses are to be offered, which in the case of Erie County’s CERT program, is to be achieved for a second year through an active collaboration and direct partnership between the CPS Law Enforcement Training Academy and Erie Community College’s Office of Workforce Development [hereinafter “ECC”],

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a grant award agreement with SEMO whereby Erie County will receive up to \$90,000 in CERT funding, and be it further

RESOLVED, that the County Executive is further authorized to enter into a memorandum of understanding with ECC whereby up to \$90,000 in CERT funding will be paid to ECC for its provision to local citizen volunteers of non-credit education and training courses in basic disaster survival and rescue skills, and be it further

RESOLVED, that authorization is hereby provided to establish a CERT grant in the Central Police Services Department to implement this program as follows:

Grant Fund
 Community Emergency Response Team (CERT) Grant
 January 25, 2004 – January 24, 2005

<u>Revenue</u>	Increase
Acct. 627 - State Aid – Criminal Justice Program	\$ 90,000

Total Revenue	\$ 90,000
<u>Appropriation</u>	Increase
Acct. 830 – Contractual Services	
Direct Agreement with ECC	
Workforce Development	\$ 90,000
Total Appropriation Dept. 650	\$ 90,000

And be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget, Management and Finance, the Office of the Comptroller, the Department of Emergency Services, the Department of Central Police Services, Erie Community College Office of Workforce Development and Erie County Homeland Security Grants Administration.

MS. MARINELLI moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 74 – (Comm. 13E-16) ECSD No.6 -Lackawanna – Bethlehem Park Sewer Rehab. Phase I.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 75 – (Comm. 13E-17) Social Services – Authorization to Accept Donated Funds.

Item 76 – (Comm. 13E-18) Health – Breast & Cervical Cancer Screening Program 6/30/03 - 6/29/04.

Item 77 – (Comm. 13E-19) Health – Western Regional Training Grant - 7/1/03 - 6/30/04.

Item 78 – (Comm. 13E-20) Health – Vita Grant - 12/1/02 -7/31/04.

Item 79 – (Comm. 13E-21) Personnel – Employee Assistance Program.

Item 80 – (Comm. 13E-22) Health -Facilitated Enrollment Program 1/1/04 - 12/31/04.

Item 81 – (Comm. 13E-23) Health -Acceptance of Donated Equipment from NYS Health Department.

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ERIE COUNTY LEGISLATURE

Item 82 – (Comm. 13E-24) Health -Childhood Lead Poisoning Prevention Program 1/1/03 - 12/31/03.

The above eight items were received and referred to the HUMAN SERVICES COMMITTEE.

Item 83 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 273

Re: Reappointment to Erie County
 Fisheries Advisory Board.
 (Comm. 13E-25)

RESOLVED, the Erie County Legislature does hereby confirm the reappointment of the following individuals to the Erie County Fisheries Advisory Board for a term to expire December 31, 2006.

NAME & ADDRESS

TERM EXPIRES

Mr. Joseph Fischer
 17 Kingston Lane
 Cheektowaga, New York 14225

December 31, 2006

Mr. Will Elliott
 648 Ransom Road
 Lancaster, New York 14086

December 31, 2006

Ms. Julie Adrian
 468 Jewett Holmwood Road
 East Aurora, New York 14052

December 31, 2006

MR. RANZENHOFER moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 84 – (Comm. 13E-26) Homeland Security Grants Consulting Services Contract.

Item 85 – (Comm. 13E-27) Emergency Services – Revision to NYS Weapons of Mass Destruction Task Force Grant (Comm. 6E-20).

The above two items were received and referred to the PUBLIC SAFETY COMMITTEE.

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ERIE COUNTY LEGISLATURE

Item 86 – (Comm. 13E-28) Senior Services – Authorization to Amend SNAP Grant Budget & Open a New Dining Site.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 87 – (Comm. 13E-29) ECSD's Nos. 1, 4 & 5 – Engineering Service Agreements (Comm. 18E-41).

Item 88 – (Comm. 13E-30) EC/Southtowns Sewage Treatment Agency – Engineering Service Agreement - 4/20/00 – Change Order No.4.

The above two items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 89 – (Comm. 13E-31) Tree of Life Terrace & Playground.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 90 – (Comm. 13E-32) ECSD No.5 – Town of Clarence – Transit Road & Sheridan Drive – Change Order.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 91 – (Comm. 13E-33) Lackawanna Veterans Stadium Restoration Project.

Item 92 – (Comm. 13E-34) Leasing of EC – Owned Rail Lines to ECIDA.

Item 93 – (Comm. 13E-35) Main Branch of Buffalo & Erie County Public Library – Phases I & II Renovations – Plan Implementation (Supplements Comm. 9E-61).

Item 94 – (Comm. 13E-36) 2003 Contractor Placed Pavement, North – Reimbursement.

The above four items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 95 – (Comm. 13E-37) ECC – South Campus Chemistry Lab Fume Hood Exhaust Modifications.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 96 – (Comm. 13E-38) Agreement with NYSDOT – Signal Replacements: Various Locations, Town of Tonawanda.

Item 97 – (Comm. 13E-39) Agreement with NYSDOT – Tonawanda Rails-to-Trails Project, Town & City of Tonawanda.

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Item 98 – (Comm. 13E-40) Agreement with NYSDOT – Seneca Creek Pathway, Towns of West Seneca & Cheektowaga.

Item 99 – (Comm. 13E-41) Agreement with NYSDOT – Elmwood Avenue Signal Replacements Along Kenmore Avenue, Village of Kenmore & Town of Tonawanda.

Item 100 – (Comm. 13E-42) Agreement with NYSDOT – Greiner Road Intersection Improvements at Shimerville Road, Town of Clarence.

The above five items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM ECMCC

Item 101 – (Comm. 13D-1) Financial Statements 4/04.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM DEP

Item 102 – (Comm. 13D-2) SEQR -Lead Agency Status – North Creek Sub-Trunk Sanitary Sewer.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM BUDGET, MANAGEMENT & FINANCE

Item 103 – (Comm. 13D-3) 2005 Capital Budget Interview Notice.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 104 – (Comm. 13D-4) Legal Opinion Re: Modification of Prevailing Wage Enforcement Provisions of County Contracts.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM BUDGET, MANAGEMENT & FINANCE

Item 105 – (Comm. 13D-5) Response to Audit – Division of Purchase - 1/1/01 -1/31/03.

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ERIE COUNTY LEGISLATURE

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 106 – (Comm. 13D-6) Notice of Claims.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ECC

Item 107 – (Comm. 13D-7) Minutes of Special Trustees Meeting Held 5/5/04.

Received and filed.

Item 108 – (Comm. 13D-8) Minutes of Trustees Meeting Held 4/28/04.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 109 – (Comm. 13D-9) Notice of County Executive's Public Hearing – Local Law Intro. No. 7 – 2004 (Print 2).

RECEIVED, FILED & PRINTED.

June 1, 2004

Kevin M. Kelley
Clerk Erie County Legislature
25 Delaware Avenue, 7th Floor
Buffalo, New York 14202

RE: Notice of Public Hearing
Local Law Intro. No. 7-2004 (Print #2)

Dear Mr. Kelley:

Enclosed herein is a copy of the Public Hearing Notice for the above-captioned Local Law Intro., which was approved by the Erie County Legislature on May 27, 2004.

Please post the enclosed for the information for anyone who may be interested in attending this hearing.

Very truly yours,

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June 10, 2004

ERIE COUNTY LEGISLATURE

FREDERICK A. WOLF
Erie County Attorney

By: MELISSA O. HEIMERL
Assistant County Attorney

encl.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing, on Tuesday, June 15, 2004 at 9:30 a.m., concerning:

A LOCAL LAW requiring prior written notice of defective, out of repair, unsafe, dangerous or obstructed conditions of any street, highway, bridge, culvert, sidewalk, crosswalk, or highway markings.

The hearing will be held at the Erie County Executive's office, 95 Franklin Street, 16th Floor, in the City of Buffalo, New York.

On May 27, 2004, the Erie County Legislature adopted Erie County Local Law Intro. No. 7 of 2004 (print #2). Copies of the proposed local law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7th Floor of 25 Delaware Avenue, in the City of Buffalo, New York.

JOEL A. GIAMBRA
Erie County Executive

FROM THE COUNTY ATTORNEY

Item 110 – (Comm. 13D-10) Notice of Filing of Local. Law No.1 - 2004 with Secretary of State.

RECEIVED, FILED & PRINTED.

April 8, 2004

VIA HAND DELIVER

Mr. Kevin M. Kelley, Clerk
Erie County Legislature
25 Delaware A venue, 7th Floor
Buffalo, New York 14202

RE: LOCAL LAW No. 1-2004

MEETING NO. 13
June 10, 2004

ERIE COUNTY LEGISLATURE

Dear Kevin:

Enclosed is an additional Local Law Filing for you to sign and seal. You can keep this original for your records. We have sent an original certified copy to the Secretary of State for filing. Please call me at extension 2211 with any questions.

Very truly yours,

FREDERICK A. WOLF
Erie County Attorney

BY: MELISSA O. HEIMERL
Assistant County Attorney

Enclosure

County of ERIE.

Local Law No. 1 of the year 2004

A local law amending Local law No- 2-2003, granting a partial exemption from real property taxation, pursuant to Section four hundred fifty-nine-c of the Real Property Tax law, to persons with disabilities who have limited incomes.

Be it enacted by the Legislature of the
(Name at Legislative Body)

County of ERIE as follows:

Section 1. Section 1(b) of Local Law No, 2-2003, granting a partial exemption from real property taxation, pursuant to Section four hundred fifty-nine-c of the Real Property Tax Law, to persons with disabilities who have limited incomes, is hereby amended to read as follows:

Section 1 (b). To be eligible for the exemption provided by subdivision one of this Local Law, the maximum income of such person shall not exceed twenty-four thousand dollars. Real property owned by one or more persons with disabilities, or real property owned by a husband and wife, or both, or by siblings, at least one of whom has a disability, and whose income, as hereinafter defined¹ is limited by reason of such disability, shall be exempt from taxation by the County of Erie to the extent provided in the following table:

<u>Annual Income</u>	<u>Percentage of Assessed Valuation Exempt from Taxation</u>
Up to \$24,000	50 per centum

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ERIE COUNTY LEGISLATURE

More than \$24,000 but less than \$25,000	45 per centum
\$25,000 or more, but less than \$26,000	40 per centum
\$26,000 or more, but less than \$27,000	35 per centum
\$27,000 or more, but less than \$27,900	30 per centum
\$27,900 or more, but less than \$28,800	25 per centum
\$28,800 or more, but less than \$29,700	20 per centum
\$29,700 or more, but less than \$30,600	15 per centum
\$30,600 or more, but less than \$31,500	10 per centum
\$31,500 or more, but less than \$32,400	5 per centum

Section 2. This Local Law shall be effective immediately.

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 20 _____, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20 04 of the (County) of Erie _____ was duly passed by the Erie County Legislature on March 18 20 04, and was (approved) by the Erie County Executive and was deemed duly adopted on April 6 20 04, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 __ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 __, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

MEETING NO. 13**June 10, 2004****ERIE COUNTY LEGISLATURE**

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2, above.

Kevin M. Kelly
Clerk of the county legislature body,

Date: April 8, 2004

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Melissa O'Heimerl
Assistant County Attorney

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June 10, 2004

ERIE COUNTY LEGISLATURE

County of Erie

Date: April 8, 2004

A Public Hearing was held on the foregoing Local Law Intro. No. 1-2004 on Tuesday, April 6, 2004, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 6 day of April, 2004.

JOEL A. GIAMBRA

Item 111 – (Comm. 13D-11) Notice of Filing of Local Law No. 2 -2004 with Secretary of State.

RECEIVED, FILED & PRINTED.

April 30, 2004

VIA HAND DELIVER

Mr. Kevin M. Kelley, Clerk
 Erie County Legislature
 25 Delaware Avenue, 7th Floor
 Buffalo, New York 14202

RE: LOCAL LAW No. 2-2004

Dear Kevin:

Enclosed is a certified copy of the above-mentioned Local Law for your records. We have sent an original certified copy to the Secretary of State for filing. Please call me at extension 2211 with any questions.

Very truly yours,

FREDERICK A. WOLF
 Erie County Attorney

BY: MELISSA O. HEIMERL
 Assistant County Attorney

Enclosure

County of Erie_____.

Local Law No. 2 of the year 20 04

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June 10, 2004

ERIE COUNTY LEGISLATURE

A local law requiring impoundment of vehicles subsequent to an arrest for Driving While Intoxicated / Ability Impaired.

Be it enacted by Legislature of the

County of Erie as follows:

Section 1. Legislative Intent.

The Erie County legislature hereby finds, declares and determines that:

- A. Driving While Intoxicated and Driving While Ability Impaired are serious criminal offenses which have tragic effects on Erie County, New York, and the United States.
- B. In order to help law enforcement curb these offenses, the Erie County legislature is initiating legislation calling for an absolute minimum twelve hour vehicle impoundment when someone is arrested for drunk driving.
- C. There are numerous stories and instances of drunk drivers being released from jail on a bond, picking up their car and getting involved in a subsequent serious and/or fatal vehicle accident.
- D. Data has shown that vehicle impoundment has been consistently effective in reducing DWI offenses among convicted drinking drivers.
- E. First-time offenders who had their vehicles impounded had 25 percent fewer crashes than those who did not; repeat offenders who had their vehicles impounded had 38 percent fewer crashes than those who did not. F. Even two years after the impoundment, drivers whose vehicles were impounded had at least 35 percent fewer DWI's when compared with those who had not.
- G. Various municipalities in Erie County already support vehicle impoundment in DWI cases; however the Erie County legislature finds that there is the need to make mandatory impoundment an across-the-board punishment to curb drunk driving and save lives.
- H. Only through mandatory impoundment can we help to ensure that DWI and DWAI drivers are prohibited from driving until they are completely sober.

Section 2. Short Title.

This Local Law shall be known as "The Erie County DWI/DWAI Vehicle Impoundment Law."

Section 3. Impoundment of Vehicles.

- A. Whenever a person has been arrested for a violation of N.Y. Vehicle & Traffic Law Sections 1192(1), 1192(2), 1192(3), 1192(4), 1192(5), 1192(6) and/or 1192-a, the arresting law enforcement agency or its duly authorized agent shall impound and take possession of the vehicle the person was operating at the time of their arrest.

- B. A vehicle impounded pursuant to Section 3(A) shall remain in the possession of the arresting law enforcement agency or its duly authorized agent until and when the following conditions are met:
1. the vehicle may be released to the arrestee no earlier than twelve (12) hours after the time of arrest;
 2. the vehicle may be released to a party other than the arrestee if:
 - (a) the vehicle is owned or leased by the individual claiming the vehicle other than the arrestee; or
 - (b) the vehicle is owned or leased by the arrestee, the arrestee is eighteen or older, and the arrestee gives their written permission, pursuant to the requirements of the arresting law enforcement agency or its duly authorized agent, to another individual to claim the vehicle; or
 - (c) the vehicle is owned or leased by the arrestee, the arrestee is under eighteen and unemancipated, the vehicle may be released to the parent or legal guardian of the arrestee.
 3. A vehicle impounded under this section shall not be released to any person unless the person claiming the vehicle from the arresting law enforcement agency or its duly authorized agent:
 - (a) presents a valid license, proof of ownership or lawful authority to operate a motor vehicle;
 - (b) would not be in violation of N.Y. Vehicle & Traffic Law . Sections 1192(1), 1192(2), 1192(3), 1192(4), 1192(5), 1192(6) and/or 1192-a in connection with operating the vehicle and is otherwise able to operate the vehicle in a safe manner; and
 - (c) meets any other reasonable conditions established for release of the vehicle established by the arresting law enforcement agency or its duly authorized agent, including but not limited to, reasonable fees for towing and storage of the vehicle until the time the vehicle is claimed. The arresting law enforcement agency or its duly authorized agent may retain custody of the vehicle until such conditions are complied with or fees paid.
 4. Nothing in this Local Law shall be construed to prevent or supercede a court of competent jurisdiction from exercising its authority in connection with the release of a vehicle impounded under this Local Law.

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Section 4. Effect of Other Laws

Notwithstanding any provision of this Local Law to the contrary, this Local Law is not intended to supercede or compromise any local, state or federal law, rule or regulation that would authorize the continued impoundment of a vehicle for evidentiary or other legal purposes.

Section 5. Rules & Regulations.

The Erie County Sheriff or the Chief Law Enforcement Officer of any other law enforcement agency in Erie County or their duly authorized agents are hereby authorized to promulgate such rules and regulations that are lawful, necessary and appropriate to implement, enforce or otherwise carry out the purposes of this Local Law.

Section 6. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 7. Effective Date.

This Local Law shall take effect immediately upon its filing with the Secretary of State, in accordance with Section 27 of the New York State Municipal Home Rule Law.

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 20 _____, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 20 04 of the (County) of Erie was duly passed by the Erie County Legislature on April 1 20 04, and was (approved) by the Erie County Executive and was deemed duly adopted on April 26 20 04, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

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I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 __, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2, above.

Kevin M. Kelly

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Clerk of the county legislature body,

Date: April 29, 2004

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Melissa O'Heimerl
 Assistant County Attorney

County of Erie

Date: April 29, 2004

A Public Hearing was held on the foregoing Local Law Intro. No. 1-2004 on Tuesday, April 6, 2004, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 26 day of April, 2004.

JOEL A. GIAMBRA

FROM THE OFFICE OF THE COMPTROLLER

Item 112 – (Comm. 13D-12) Erie County Operation of City Parks -Use of Tobacco Funds.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM SOCIAL SERVICES

Item 113 – (Comm. 13D-13) Response to Questions Re: Intermunicipal Agreement Between Erie County & City of Buffalo for Buffalo Park Maintenance & Operation.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM BUDGET, MANAGEMENT & FINANCE

Item 114 – (Comm. 13D-14) Vacancy Detail by Department.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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FROM DISS – FLEET SERVICES

Item 115 – (Comm. 13D-15) Response to Request for Information Re: Increase of 24-Hour Vehicle Assignments.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM CSEA LOCAL 815

Item 116 – (Comm. 13M-1) Filling the Six Vacant Probation Officer Positions Funded in the 2004 Budget.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE CENTRAL MCKINLEY TAXPAYERS ASSOCIATION

Item 117 – (Comm. 13M-2) Request for Information on Medicaid Spending.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM DEVELOPMENT DOWNTOWN

Item 118 – (Comm. 13M-3) Buffalo Lakeside Commerce Park.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM ECIDA

Item 119 – (Comm. 13M-4) Notice of Board Meeting Held 6/9/04.

Received and filed.

FROM VETERANS AFFAIRS

Item 120 – (Comm. 13M-5) Receipt of Resolution.

Received and filed.

FROM SENATOR VOLKER

Item 121 – (Comm. 13M-6) Receipt of Resolution.

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Received and filed.

Item 122 – (Comm. 13M-7) Receipt of Resolution.

Received and filed.

FROM EARL, DeLANGE, MAY, SEAMAN, JONES, HOGAN & BROOKS

Item 123 – (Comm. 13M-8) Notice of Public Hearing -Town of Lockport Amendment to Zoning Ordinance.

Received and filed.

FROM THE NFTA

Item 124 – (Comm. 13M-9) Minutes from Board Meeting Held 4/26/04.

Received and filed.

FROM EARL, DeLANGE, MAY, SEAMAN, JONES, HOGAN & BROOKS

Item 125 – (Comm. 13M-10) Notice of Public Hearing – Town of Lockport Zoning Amendment to Repeal Local Law No. 2 – 2004.

Received and filed.

FROM CONGRESSMAN QUINN

Item 126 – (Comm. 13M-11) Receipt of Resolution.

Received and filed.

FROM VARIOUS COUNTY RESIDENTS

Item 127 – (Comm. 13M-12) Written Testimony Re: Proposed Intermunicipal Agreement for EC to Assume Operation & Maintenance of Buffalo Parks.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

MEMORIAL RESOLUTIONS

Item 128 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Peter Wachtel.

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Item 129 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of George Mack.

Item 130 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Lou Veruto.

Item 131 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of Sheldon Chestnut.

Item 132 – Ms. Chase requested that when the Legislature adjourns, it do so in memory of President Ronald Reagan.

Item 133 – Mr. DeBenedetti requested that when the Legislature adjourns, it do so in memory of Herbert Schmitt.

Item 134 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Frances C. Kavanagh.

ADJOURNMENT

Item 135 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. MARINELLI moved that the Legislature adjourn until 2 p.m. Thursday, June 24, 2004.
MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, June 24, 2004 at 2 p.m. Eastern Standard Time.

KEVIN M. KELLEY
CLERK